

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINARECEIVED  
USDC CLERK, CHARLESTON, SC

2007 FEB -6 A 9 15

Thomas L. Askins,

Plaintiff,

v.

Jo Anne B. Barnhart,  
Commissioner of Social Security,


Defendant.

C. A. No. 0:06-410-SB

**ORDER**

This matter is before the Court upon the Plaintiff's action pursuant to 42 U.S.C. § 405(g) to review a final decision of the Commissioner of Social Security, which denied his request for disability benefits. Pursuant to Local Rule 73.02(B)(2)(a), the Court referred this matter to United States Magistrate Judge Bristow Marchant for initial review.

On January 11, 2007, the Magistrate Judge issued a report and recommendation analyzing the Plaintiff's complaint and recommending that the decision of the Commissioner be reversed and that the case be remanded to the Commissioner for a proper evaluation of the Plaintiff's residual functional capacity and for such further administrative action as is deemed necessary and appropriate. Under 28 U.S.C. § 636(b), a dissatisfied party has ten days in which to file written objections to a report and recommendation. To date, no objections have been filed.




Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985). Here, because no objections were filed, there are no portions of the report and recommendation to which the Court must

conduct a de novo review.

Accordingly, based on the foregoing, it is

**ORDERED** that the Magistrate Judge's report and recommendation is affirmed and adopted as the Order of the Court, the Commissioner's decision is hereby reversed and remanded for the purpose of a proper evaluation, discussion, and findings with respect to the Plaintiff's residual functional capacity, and for such further administrative action as is deemed necessary and appropriate.

**IT IS SO ORDERED.**



The Honorable Sol Blatt, Jr.  
Senior United States District Judge

February 5, 2007  
Charleston, South Carolina

